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| CLERK U.S. DISTRICT COURT | |
| WESTERN DISTRICT OF WASHINGTON AT TACOMA | |
| BY _____ | DEPUTY |

Magistrate Judge Theresa L. Fricke

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

NO. 3:24-mj-05112

Plaintiff

COMPLAINT for VIOLATION

V.

Title 18, United States Code, Section 1073

CHARLES CARROLL HARTZELL,

Defendant

Defendant.

BEFORE, Theresa L. Fricke, United States Magistrate Judge, U.S. Courthouse, Tacoma, Washington.

The undersigned complainant being duly sworn states:

COUNT ONE
(Flight to Avoid Prosecution)

From on or about an unknown date until the Present, in Clallam County, within the Western District of Washington, CHARLES CARROLL HARTZELL did knowingly move and travel in interstate and foreign commerce from Port Angeles, Washington, to Mexico, with the intent to avoid prosecution for the felony crimes of Dealing in Depictions of Minors Engaged in Sexually Explicit Conduct in the First Degree, Dealing in Depictions of Minors Engaged in Sexually Explicit Conduct in the Second Degree, and Disclosing Intimate Images under the laws of the State of Washington.

1 All in violation of Title 18, United States Code, Section 1073.

2 The undersigned complainant being duly sworn further states:

3 1. I, Terrance G. Postma, am a Special Agent of the Federal Bureau of
4 Investigation (FBI) assigned to the Seattle Division's Tacoma Resident Agency. I have
5 been employed as a Special Agent of the FBI since June 2002 and am currently assigned
6 to the Seattle Division's Poulsbo Resident Agency. I am currently assigned to investigate
7 violent crimes and violent criminal acts. Part of my assigned case load involves the
8 investigation of cases involving flight to avoid prosecution.

9 2. The statements contained in this affidavit are based upon my investigation
10 and information provided to me by other law enforcement officers. I have not included
11 each and every fact known to me or other investigative personnel concerning this
12 investigation. I have set forth only the facts that I believe are necessary to establish
13 probable cause to believe that CHARLES CARROLL HARTZELL has traveled in interstate
14 or foreign commerce with the intent to avoid prosecution in violation of Title 18, United
15 States Code, Section 1073.

16 3. On October 21, 2021, HARTZELL was charged in Clallam County
17 Superior Court under cause number 21-1-00300-5. HARTZELL was charged with
18 Dealing in Depictions of Minors Engaged in Sexually Explicit Conduct in the First
19 Degree, Dealing in Depictions of Minors Engaged in Sexually Explicit Conduct in the
20 Second Degree, and Disclosing Intimate Images. Based on the investigation to date, there
21 is evidence that HARTZELL knowingly fled the state of Washington to avoid being
22 prosecuted in Clallam County Superior Court for the above listed crimes all in violation
23 of Title 18, United States Code, Section 1073.

24 **SUMMARY OF PROBABLE CAUSE**

25 4. On March 5, 2021, the Clallam County Sheriff's Office was dispatched to
26 assist the Lower Elwha Police with a sex offense report in Port Angeles, Clallam County,
27 Washington. Lower Elwha Police officers on scene determined that the victim (MS) and
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1 suspect (HARTZELL) were not Elwha Tribal members and requested that the Clallam
2 County Sheriff's Office respond to investigate.

3 5. Clallam County Sheriff deputies learned that MS's husband received a
4 video from HARTZELL through Facebook. That video depicted sexual conduct between
5 MS and HARTZELL. At the time the video was taken, MS was a minor.

6 6. MS recognized herself in the video but did not know she was being
7 recorded at the time the events occurred. MS did not give HARTZELL permission to
8 disseminate any explicit photographs or videos of her.

9 7. MS explained that when she met HARTZELL in 2016, she was a minor and
10 she believed HARTZELL was an adult. MS thought HARTZELL was in his 30s when
11 they met.

12 8. HARTZELL provided MS with alcohol and drugs, but eventually began a
13 sexual relationship with her. HARTZELL had intercourse and oral sex with MS when she
14 was a minor. The sexual contacts occurred over the course of three weeks.

15 9. At some point HARTZELL went to prison, but continued to attempt to
16 contact MS. Even after HARTZELL's release from prison, HARTZELL continued to try
17 to contact MS through friends or on Facebook. To stop HARTZELL's harassment, MS
18 blocked him on social media, but he continued to find different ways to contact her.

19 10. MS told law enforcement that HARTZELL had taken photos of her
20 engaged in sexually explicit acts. On one occasion HARTZELL got MS drunk at a hotel
21 and asked MS to take nude photos with him, which she did. HARTZELL also took a
22 video of MS without her knowledge at the home of a friend of HARTZELL.

23 11. MS never gave HARTZELL permission to send the explicit photos to
24 anyone and expected the photos to remain private.

25 Clallam County Charges and Court Case

26 12. On October 21, 2021, HARTZELL was charged in Clallam County
27 Superior Court under cause number 21-1-00300-5. HARTZELL was charged with
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1 Dealing in Depictions of Minors Engaged in Sexually Explicit Conduct in the First
 2 Degree, Dealing in Depictions of Minors Engaged in Sexually Explicit Conduct in the
 3 Second Degree, and Disclosing Intimate Images.

4 13. According to the Clallam County case docket, HARTZELL appeared in
 5 court on January 18, 2022. HARTZELL was released after posting bond. On March 31,
 6 2022, a bench warrant for HARTZELL's arrest was issued. The warrant was quashed on
 7 May 6, 2022, when HARTZELL appeared and obtained an attorney. On April 17, 2023, a
 8 bench warrant was issued. On April 24, 2023, the warrant was returned.

9 14. On May 19, 2023, HARTZELL failed to appear in court on the charges. A
 10 bench warrant was issued. On June 9, 2023, a nationwide warrant was issued for
 11 HARTZELL's arrest extraditable from any state in which he might be arrested.

12 15. Based on the docket, HARTZELL knew of the charges he was facing in
 13 Clallam County. He appeared before the court on several instances and the case has not
 14 yet been resolved. HARTZELL has not appeared in court on the case since April 24,
 15 2023, almost a year ago.

16 16. In February 2024, law enforcement was contacted by a citizen who
 17 indicated they were received harassing messages from HARTZELL. That citizen
 18 provided the phone number HARTZELL was using to send the harassing messages.
 19 Through investigation, law enforcement found that the number was connected to a
 20 mobile payment app that appeared to be connected to HARTZELL.

21 17. On March 26, 2024, law enforcement applied for and was granted an order
 22 authorizing installation and/or use of a pen register, trap and trace and cell site simulator
 23 and directing a service provider to disclose real-time device location information and
 24 directing service provider disclosure of non-content stored and transactional records in
 25 the Superior Court of Washington for Pierce County for the cellular number believed to
 26 be used by HARTZELL.

1 18. Review of records obtained pursuant to this order revealed that the device
2 was located in Mexico. As of April 8, 2024, the phone believed to be used by
3 HARTZELL remains in Mexico.

4 19. Based on the above, there is probable cause to believe that CHARLES
5 CARROLL HARTZELL traveled interstate and did so with the intent to avoid
6 prosecution for Clallam County Case 21-1-00300-5 in which he was charged with:
7 Dealing in Depictions of Minors Engaged in Sexually Explicit Conduct in the First
8 Degree, Dealing in Depictions of Minors Engaged in Sexually Explicit Conduct in the
9 Second Degree, and Disclosing Intimate Images. HARTZELL knowingly fled the state of
10 Washington to avoid being prosecuted in Clallam County Superior Court for the above
11 listed crimes all in violation of Title 18, United States Code, Section 1073.

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14 
15 TERRANCE G. POSTMA
16 Complainant
17 Federal Bureau of Investigation

18 Based on the Complaint and Affidavit sworn to before me by phone and
19 subscribed by phone, the Court hereby finds that there is probable cause to believe the
20 Defendant committed the offense set forth in the Complaint.

21 Dated this 9th day of April, 2024.

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23 THERESA L. FRICKE
24 United States Magistrate Judge
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